

Senate File 408

S-3148

1 Amend Senate File 408 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 123.46A, subsection 2, paragraph g,  
5 Code 2021, is amended to read as follows:

6 g. Delivery of alcoholic liquor, wine, or beer shall be made  
7 by the licensee or permittee, ~~or~~ the licensee's or permittee's  
8 employee, and not by or a third party, provided the licensee or  
9 permittee has entered into a written agreement with the third  
10 party that authorizes the third party to act as an agent of the  
11 licensee or permittee for the purpose of delivering alcoholic  
12 liquor, wine, or beer. Each licensee or permittee shall submit  
13 to the division electronically, or in a manner prescribed by  
14 the administrator, a list of names and addresses of all third  
15 parties it has authorized to act as its agent for the purpose  
16 of delivering alcoholic liquor, wine, or beer. The licensee  
17 or permittee shall provide the division with amendments to the  
18 list as necessary to ensure the division possesses an accurate,  
19 current list.

20 Sec. 2. Section 123.46A, subsection 2, paragraph i, Code  
21 2021, is amended by striking the paragraph.

22 Sec. 3. Section 123.46A, subsection 3, Code 2021, is amended  
23 to read as follows:

24 3. A violation of this section or any other provision  
25 of this chapter shall subject the licensee or permittee to  
26 the penalty provisions of section 123.39. If the licensee  
27 or permittee, an employee of the licensee or permittee, or a  
28 person delivering alcoholic liquor, wine, or beer for a third  
29 party acting on behalf of the licensee or permittee pursuant  
30 to a written agreement violates this section, the licensee or  
31 permittee shall not be assessed a penalty under section 123.39  
32 if the licensee or permittee establishes all of the following:

33 a. The violation was committed off of the licensee's  
34 or permittee's premises after the liquor, wine, or beer  
35 was removed from the licensee's or permittee's premises in

SF 408.1914 (1) 89

(amending this SF 408 to CONFORM to HF 766)

1 fulfillment of a delivery order.

2 b. (1) If the person who committed the violation is an  
3 employee of the licensee or permittee, that no other violation  
4 of this section was committed by any employee of the licensee  
5 or permittee within the two-year period immediately preceding  
6 the date of violation.

7 (2) If the person who committed the violation is a person  
8 delivering for a third party acting on behalf of the licensee  
9 or permittee, that no other violation of this section was  
10 committed by any person delivering for the same third party  
11 while the third party was acting on behalf of the licensee or  
12 permittee within the two-year period immediately preceding the  
13 date of violation.>

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